

House File 650 - Enrolled

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HOUSE FILE 650

AN ACT

RELATING TO THE SALES OF BEER KEGS BY REQUIRING AN
IDENTIFICATION NUMBER ON EACH KEG OF BEER, RECORDING
OF THE PURCHASE OF BEER BY THE KEG, AND PROVIDING
PENALTIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 123.50, subsection 1, Code 2007, is
amended to read as follows:

1. Any person who violates any of the provisions of
section 123.49, except subsection 2, paragraph "h", or who
fails to affix upon sale, defaces, or fails to record a keg
identification sticker or produce a record of keg
identification stickers pursuant to section 123.138, shall be
guilty of a simple misdemeanor. A person who violates section
123.49, subsection 2, paragraph "h", commits a simple
misdemeanor punishable as a scheduled violation under section
805.8C, subsection 2.

Sec. 2. Section 123.138, Code 2007, is amended to read as
follows:

123.138 BOOKS OF ACCOUNT REQUIRED == KEG IDENTIFICATION
STICKER.

1. Each class "A" or special class "A" permittee shall
keep proper books of account and records showing the amount of
beer sold by the permittee, and these books of account shall
be at all times open to inspection by the administrator and to
other persons pursuant to section 123.30, subsection 1. Each
class "B" and class "C" permittee shall keep proper books of
account and records showing each purchase of beer made by the
permittee, and the date and the amount of each purchase and
the name of the person from whom each purchase was made, which
books of account and records shall be open to inspection
pursuant to section 123.30, subsection 1, during normal
business hours of the permittee.

2. a. Each class "B", "C", or special class "C" liquor
control licensee and class "B" or "C" beer permittee who sells
beer for off-premises consumption shall affix to each keg of
beer an identification sticker provided by the administrator.
The sticker provided shall allow for its full removal when
common external keg cleaning procedures are performed. For
the purposes of this subsection, "keg" means all durable and
disposable containers with a liquid capacity of five gallons
or more. Each class "B", "C", or special class "C" liquor
control licensee and class "B" or "C" beer permittee shall
also keep a record of the identification sticker number of
each keg of beer sold by the licensee or permittee with the
name and address of the purchaser and the number of the
purchaser's driver's license, nonoperator's identification
card, or military identification card, if the military
identification card contains a picture and signature. This
information shall be retained by the licensee or permittee for
a minimum of ninety days. The records kept pursuant to this
subsection shall be available for inspection by any law
enforcement officer during normal business hours.

b. The division shall provide the keg identification
stickers described in paragraph "a" and shall, prior to
utilizing a sticker, notify licensed brewers and licensed beer
importers of the type of sticker to be utilized. Each sticker
shall contain a number and the following statement: "It is
unlawful to sell, give, or otherwise supply any alcoholic
beverage, wine, or beer to any person under legal age. Any
person who defaces this sticker shall be guilty of criminal
mischief punishable pursuant to section 716.6 and shall cause
the forfeiture of any deposit, if applicable." The
identification sticker shall be placed on the keg at the time
of retail sale. The licensee or permittee shall purchase the
stickers referred to in this subsection from the division and
shall remit to the division deposits forfeited pursuant to
this lettered paragraph due to defacement. The cost of the
stickers to licensees and permittees shall not exceed the

3 4 division's cost of producing and distributing the stickers.
3 5 The moneys collected by the division relating to the sale of
3 6 stickers and forfeited deposits shall be credited to the beer
3 7 and liquor control fund.
3 8 c. The provisions of this subsection shall be implemented
3 9 uniformly throughout the state. The provisions of this
3 10 subsection shall preempt any local county or municipal
3 11 ordinance regarding keg registration or the sale of beer in
3 12 kegs. In addition, a county or municipality shall not adopt
3 13 or continue in effect an ordinance regarding keg registration
3 14 or the sale of beer in kegs.
3 15 d. The division shall establish by rule procedures
3 16 relating to the forfeiture and remittance of deposits pursuant
3 17 to paragraph "b".

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3 22 PATRICK J. MURPHY
3 23 Speaker of the House
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3 27 JOHN P. KIBBIE
3 28 President of the Senate

3 29 I hereby certify that this bill originated in the House and
3 30 is known as House File 650, Eighty-second General Assembly.
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3 35 MARK BRANDSGARD
Chief Clerk of the House

4 1 Approved _____, 2007

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4 5 CHESTER J. CULVER
4 6 Governor